

# ***City Council Meeting Minutes***

**March 3, 2020  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Stolzmann called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

**City Council:**      ***Mayor Ashley Stolzmann  
Mayor Pro Tem Dennis Maloney  
Councilmember Kyle Brown  
Councilmember J. Caleb Dickinson  
Councilmember Deborah Fahey  
Councilmember Chris Leh  
Councilmember Jeff Lipton***

**Staff Present:**      ***Heather Balser, City Manager  
Megan Davis, Deputy City Manager  
Nathan Mosely, Parks, Recreation, & Open Space Director  
Kurt Kowar, Public Works Director  
Rob Zuccaro, Planning & Building Safety Director  
Megan Pierce, Economic Vitality Director  
Emily Hogan, Assistant City Manager for Communications  
& Special Projects  
Meredyth Muth, City Clerk***

**Others Present:**      ***Kathleen Kelly, City Attorney***

## **PLEDGE OF ALLEGIANCE**

All rose for the pledge of allegiance.

## **APPROVAL OF AGENDA**

Mayor Stolzmann called for changes to the agenda and hearing none she asked for a motion. Mayor Pro Tem Maloney moved to approve the agenda; seconded by Councilmember Brown. All in favor.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT  
AGENDA**

Jerome Rifkin, 270 W Sycamore Lane, asked why the change so people can't access the open space, we paid for access so this is a loss of service. There was no notice this was happening; residents would like an explanation and know how they change this.

Erin Lindsey, 826 Trail Ride Dr, stated she is displeased with new gate rules; the gates have been there as long as she can remember. It seems unreasonable to change now.

Hilary Whiton, 814 Flatirons Ct, stated she purchased her house for access to the lake. She wants to know what the environmental impact is of these small social trails. She replaced the fence in the last few years and was told if she paid for it she could maintain the gates. Seems there are higher impact issues in open space that should be addressed.

Tasha Bond, 1841 Sweet Clover Lane, would like to get more information as to why this has happened. There was little outreach to residents. This access has been there for years and if imposing new rules there needs to be better communication. This affects children who need more outdoor time; access is key to getting kids outside. She doesn't understand why this is beneficial.

Pam Wanek 2251 W 154<sup>th</sup> Pl. Broomfield, stated she is an expert on prairie dogs and supports the protection of prairie dogs. Local governments can affect decisions and have the primary authority to protect wildlife. She submitted two documents to help educate the Council on prairie dogs.

Stephanie Rowe, 361 West St, noted she submitted a proposal to Council on prairie dog management. The proposal came from an ad hoc group looking at options for prairie dog management plans. Lafayette has an excellent plan and approach and the group recommends Louisville adopt a similar plan. She asked Council to review the plan and give it consideration. She also asked the Council to refrain from approving any new development projects that affect prairie dogs until a plan is in place.

Linda Gallegos, 125 Cherry Wood Ln, shared research on prairie dogs and how they affect the greater wildlife community and ecosystem. She is hoping to protect the interests of prairie dogs and land owners.

Cindy Bedell, 662 W. Willow St, supports the City adopting a prairie dog management plan to help save habitat and also supports a moratorium on species removal until a plan is in place.

Martin Ogle, 322 East Raintree Court, stated his background in wildlife biology shows him there is a need to adopt a humane plan and recognize the value of the keystone species and how it affects our land use policies. He urged the Council to defer new development until a plan is adopted.

Tamar Krantz, 691 West St, stated the ad hoc prairie dog group attended the Sustainability Advisory Board (SAB) meeting and the SAB supports adoption of this plan. She read a statement from the SAB urging adoption of the proposed plan.

Taylor Jones, 1450 Albion Street, Denver, representative of Wild Earth Guardians, stated the group supports the City adopting a management plan to prevent conflict, reduce uncertainty, and preserve wildlife.

Charlie Ealy, 822 Trail Ridge Drive, stated the Councilmembers ran supporting green principals and noted if people can't access open space from their yards it would generate many more trips by car.

Christopher Lindsey, 826 Trail Ridge Drive, stated he is allowed a ten-foot mowed strip between his home and open space and asked how he can maintain that without a gate to access that area to mow. It is a ½ mile walk around and would then cross more open space to get there.

Kendall Myers, 362 S Jefferson Avenue, stated his disappointment how this gate issue has been handled and wanted to know what is the emergency; how can we maintain fire breaks if we can't access through our back yards. Taking away gate access is ridiculous.

Paul Stockebrand, 824 Trail Ridge, stated they have a gate that kids use to access the rec center, the skate park, the tennis courts, and other areas. Losing the gates is losing part of the community. He added the gate is an investment in my home.

Kendra Stockebrand, 824 Trail Ridge, noted the gate in their neighborhood is heavily used but they have no desire to degrade the open space and work to avoid that. She noted many other social trails in open space aren't being addressed.

Shaun Howe, 845 Trail Ridge Drive, noted the gates were in place when they purchased their house. He stated areas of the neighborhood are more green belt than open space with no wildlife there. He supports careful consideration before implementing this and noted this is not in the spirit of the town.

Kelda Neely 198 S. Cleveland Ave, pooled time with four other members in the audience. She stated they bought their homes here to access open space; not having gates discourages people from using the space. They are staunch supporters of open space taxes and understand the need to protect open space, but these access points are not in actual open space but in a mowed drainage. The differences between open spaces, easements, and green ways should be noted.

Jeff Fantalis, 818 Trail Ridge Dr, president of HOA, pooled his time with one other member in the audience. He stated 70 houses have a mile of fence that has had 30 plus gates since 1992. He never got a good explanation as to why the new rules. Twice he

was told the gates would not be a problem and then later was denied a permit. The part of the fence that opens up to HOA property must be allowed. He requested the 90-day stay be removed and the permit approved.

Chris Hall 998 West Alder, asked the Council not to enact the rule.

Clark Hamilton, 7712 Spring Drive, Boulder County, stated a community trail from their neighborhood ends up on open space. 20-40 people use the trail every day and have done so for 20 years. The access has no gate or fence and they want it maintained.

Patti Bowen, 1214 West Pine Court, speaking for neighbors in the Enclave neighborhood, stated they got a letter from the City over a year ago about degradation in the open space and they reseed the area and were told the trail was fine with their work. They want to know the rationale behind the change as the gates have been there for over 25 years. She stated people violate dog rules and no one seems to be enforcing that and it has a much greater impact on the land.

Bridger Penttila, 342 Jefferson Avenue, stated this issue wasn't handled well. She asked what was the purpose of the rule, and what is the city trying to accomplish.

Kathy Small, 2170 Dogwood Circle, stated she adopted the north open space through the City's program and works to maintain the space. She stated the reasons listed for changing the rules don't seem appropriate. She noted social trails from private property are the exception not the rule and a blanket rule for everyone is not appropriate.

Dale Johnson, 812 Pikes Peak Court, bought his house in 1992 with an existing gate which is used by kids to get to school. The property owners paid for the fence and the City allowed gates but are now being told they can't use them to maintain the weeds or the fence. Open Space should have informed us of the proposed changes.

Rich Kithil, Bridgefield Neighborhood, stated the City should get an environmental impact study before imposing this.

Terrance Keane, 2437 North Franklin Avenue, stated the rule doesn't affect him or his property but he feels this is overly broad and unnecessarily harsh. The City should allow reasonable access. He asked Council to stay this rule and have a public process with stakeholder input.

Julia Knearl, 946 West Alder, stated the code provision used to enact this administrative regulation does not align with how it was implemented and is not compliant with code. This is not an emergent situation and there needs to be a public process.

Kristopher Karnauskas, 1022 Alder St, stated that he and his family use the gate to access the open space on the way to school. The access to open space was a big factor in the home they chose. He asked Council to rescind the rule.

Richard Ross, 2351 McKinley Ave, stated the Municipal Court told him he has the right to mow the 10 feet behind his house to help stop fires. He mows the weeds for safety and needs the access.

Chris Pritchard, 1125 West Enclave Circle, asked Council to review the matter. He feels this is overreach by the parks director. He added it is inconsistent and wasn't neighborly.

Sonali Marlin, 847 Trail Ridge Drive, stated this was handled poorly without public input. She has had a gate for 15 years, removing access adds over half a mile to access trails and open space. She would like her new fence installed before spring.

Todd Nelson, 310 West Sycamore Lane, bought his house in 2005 with the gate as the biggest selling point. Other homes list this as a selling point. He has used it for 15 years and last year worked with the ranger to seed the social trail and followed staff direction to use different paths. He stated the reasons for the change were not well thought out.

Brett Duryea, 107 Aline St, supported ending the administrative rule. He stated closing the gates impacts kids' access to school and impacts aging residents.

Kelly Bartell, 563 West Cedar Place, opposes the ruling. She noted neighbors could not maintain the area behind their homes without this access. This needs more study. She also noted her support for the proposed prairie dog management plan.

Marnie Rundiks, 204 South Cleveland Avenue, agreed with earlier speakers. She wants kids to grow up on open space; the open space is an important part of the community.

Windy Cook, 1127 West Enclave Circle, stated she loves getting kids out on open space. She was told last year to reseed and preserve the area and she complied. The City needs to collaborate on a better process.

Kerry Salazar, 384 Jefferson, stated the communication was done poorly and was not transparent. She asked how this will be enforced; there are other ways to handle this.

Ben Hogan, 236 W Sycamore Ln, stated he hoped Council was listening to these comments. He feels these are surprise regulations.

Will Deaver, 519 Eisenhower Drive, stated he supported many tax increases for open space and bought his home on the North Open Space to see and interact with nature. Without using the gate it would add over a mile to go around. He supports repeal of the regulation.

Thomas DeJong, 2247 Cliffrose Lane, stated this was a poor process with no public input. Council should immediately rescind the regulations.

## **APPROVAL OF THE CONSENT AGENDA**

Mayor Stolzmann called for changes to the consent agenda. Hearing none she asked for a motion to approve the consent agenda. Councilmember Fahey moved to approve the agenda; seconded by Mayor Pro Tem Maloney. All in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: February 11, 2020; February 18, 2020***
- C. *Approval of Resolution No. 16, Series 2020 – A Resolution Approving a First Amendment to Business Assistance Agreement with Duda, Inc. for an Economic Development Project in the City of Louisville***
- D. *Approve Resolution No. 17, Series 2020 – A Resolution Approving an Agreement with Arch 11, Inc. for Louisville Historical Museum Expansion Design Services***
- E. *Appointment of City Council Participants for the 2020 International Council of Shopping Centers Conference***
- F. *Award Purchase Agreement to E-Z-GO for Golf Cart Fleet Replacement***
- G. *Approval of Purchase of Qwiksalt from Compass Mineral***
- H. *Approval of 2020 Annual Fuel Purchase***

Lipton moved to reorder the agenda with the City Manager's report next; seconded by Councilmember Leh. All in favor.

## **CITY MANAGER'S REPORT**

City Manager Balser stated as referenced this evening, the Parks, Recreation and Open Space Department put in place a temporary administrative rule recently to start a formal process for staff to bring forward potential updates to open space and building codes to address private access and fences on properties that abut open spaces in Louisville. This was a result of a recent request to add additional gates abutting open space that staff believes is inconsistent with the current municipal code regarding protection of open space. Staff is following the process outlined in the city code.

At this time, no permanent changes have been enacted. The regulation is in effect for 90 days, during which time staff will bring forward potential changes to the Municipal Code for consideration by Planning Commission and City Council. This will include discussion on "grandfather" clauses related to existing gates. The tentative date for Planning Commission review is April 9<sup>th</sup> and City Council review is April 21<sup>st</sup> for 1<sup>st</sup> reading and May 19<sup>th</sup> for the public hearing. This topic will also be discussed by the Open Space Advisory Board on March 11 so they too can provide a recommendation on any potential code changes. All meetings are open to the public and residents are encouraged to share their opinions related to this important topic.

City Manager Balser reviewed the City's response to the covid-19 virus.

City Manager Balser stated staff has been contacted regarding drone activity in the area. It is being done by a private company for a mapping project. There is more information about the FAA's regulations on the City's website.

She noted she attended the City of Boulder Council meeting to honor Jane Brautigam as she was awarded City Manager of the Year award from CCCMA.

### **COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Councilmember Lipton stated he is embarrassed by how this has been managed and this is not the way we do things in Louisville. He would like to see the decision process move faster on this item and believes this has put the citizens in a very difficult position.

Mayor Stolzmann noted this is not an agenda item this evening and Council cannot have deliberative discussion as it has not been noticed for full public participation.

Councilmember Dickinson noted this is the start of the process and encouraged people to continue to participate in the process.

Mayor Stolzmann noted there is a lunch and learn on Thursday at the Historical Museum. Friday is first Friday Art walk.

Councilmember Leh thanked people for speaking and told people Council is listening. He also thanked Travis Ramos and his family for their efforts to save the caboose.

Councilmember Brown and Councilmember Fahey also thanked people for participating in this process.

### **REGULAR BUSINESS**

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#### **RESOLUTION NO. 18, SERIES 2020 – A RESOLUTION APPROVING A BUSINESS ASSISTANT AGREEMENT WITH FORGE NANO, INC. FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY OF LOUISVILLE**

Director Pierce stated Forge Nano, Inc. is an industry leader in atomic layer disposition (ALD). They have been at their Louisville location approximately five years. In February, the company merged with Broomfield-based ALD NanoSolutions, Inc. They currently occupy space at 1172 W Century Drive and they propose to add 19,000 square feet at the site. Forge Nano employs approximately 30 people; they would add 12 this year and hope to grow to 70 employees total over the next five years.

She reviewed the Business Assistance criteria noting this application retains existing jobs within Louisville; utilizes an existing building; brings new jobs to the City; represents job

diversity in industry sectors and is part of a growing industry; and brings added value to the City through new tax revenue.

She reviewed the proposed assistance of a 50% rebate of building permit fees and construction use tax for tenant improvements and a 40% rebate of new consumer use tax over a 5-year period capped at \$150,000. The building improvements must be complete by September 30, 2020 and the business must remain in Louisville for seven years. The total impact over five years is estimated at \$163,331.57.

Public Comments - None

Mayor Stolzmann stated this is a company we would like to keep in Louisville.

Mayor Pro Tem Maloney moved, Councilmember Lipton second.

Voice vote: all in favor.

**RESOLUTION NO. 19, SERIES 2020 – A RESOLUTION APPROVING A BUSINESS ASSISTANT AGREEMENT WITH CORVUS NIDUS, LLC (DBA THE ROSE AND RAVEN) FOR AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY OF LOUISVILLE**

Director Pierce stated Corvus Nidus, LLC, dba The Rose and Raven, is a concept for an artisanal cidery production, restaurant, and food truck park. The Company is performing due diligence but has not closed a deal on the property and are also evaluating locations in Lafayette, Erie, and Aurora. They are looking at 511 East South Boulder Road which has been vacant since 2015 and they would either significantly renovate or reconstruct on the existing site, with 8,000 SF for cidery production, food, food truck park, and have potential 3,000 SF for office. They project estimates retail sales at \$9.9M over first five years (not including food truck sales) and plans to hire 45-50 employees and grow to 65-70 employees over five years.

She reviewed the Business Assistance criteria noting this application brings high quality development; draws new customers; creates new sales tax; utilizes an existing building; brings new basic jobs to the City; represents job diversity; and brings a new retail outlet.

She reviewed the proposed assistance of 50% rebate of building permit fees and construction use tax capped at \$80,000 and a 50% rebate of sales tax capped at \$160,000. The business must remain in operation for 10 years or a portion of rebates must be repaid and construction must be complete by October 31, 2021.

Public Comments – None

Joshua Martinsons stated the company would like to be in Louisville and feels it would invigorate the community.



Councilmember Lipton stated he supports this but asked what recourse the City has if it does not stay the required time. Attorney Kelly stated if the City can't recoup payments voluntarily it would be a contract claim.

Councilmember Lipton moved to approve, Mayor Pro Tem Maloney seconded.

Mayor Stolzmann stated this is a very exciting project and it is a good match for the community.

Councilmember Dickinson asked if the business plan has been vetted. Director Pierce stated there have been meetings reviewing the business plan; there are some details to be worked out.

Voice vote: All in favor.

#### **DISCUSSION/DIRECTION/ACTION – 2020 COMMUNITY SURVEY**

Assistant City Manager Hogan stated the City recently approved a contract with National Research Center (NRC) to conduct the 2020 Community Survey. The City typically conducts the survey every four years. The survey provides comprehensive feedback on the City's delivery of services and programs and solicits feedback from residents on a few policy-related matters.

In order to present the survey results in June prior to City Council's budget retreat in July, the survey needs to be approved in early March. Once finalized, NRC will print the survey materials and mail to respondents in March, collect data in April, analyze results and compile the final report in May and present findings to City Council on June 16<sup>th</sup>.

Staff recommends approval of the survey.

Public Comments – None.

Councilmember Lipton suggested the survey include a question about street safety. Members agreed to that addition.

Councilmember Dickinson asked why there is no neutral answer on the scale. Jade Arocha, NRC, stated they recommend not including that option so that people can really answer truly or answer don't know. It can also complicate the interpretation of survey results and makes the results simpler and more actionable.

Members discussed and amended wording on various questions; removed some questions, and discussed questions to add.

Councilmember Brown would like a question added about a tobacco tax.

Mayor Stolzmann stated she doesn't feel a question about a tobacco tax is needed as she feels confident people will support it on the ballot. Mayor Pro Tem Maloney and Councilmember Brown agreed.

Councilmember Fahey would like a specific sustainability question with prioritized answers. Members agreed and staff will create a question based on the focus areas in the sustainability action plan.

Given the late hour, members decided to continue some items on the agenda to a later date.

Mayor Stolzmann made a motion to move the Transportation Master Plan discussion and the executive session to March 31 at 7 pm; Mayor Pro Tem Maloney seconded.

Voice vote: all in favor.

#### **DISCUSSION/DIRECTION – TRANSPORTATION MASTER PLAN UPDATE - 2019-2020 FUNDING AND PROPOSED CIP PROJECTS**

Continued to March 31.

#### **AWARD CONTRACT FOR 2020 CONCRETE REPLACEMENT PROGRAM**

Director Kowar stated the concrete bid currently includes all the streets in the 2020 plan. The concrete costs and paving estimates came in roughly \$2M above budget. He noted there are five packages for Council to choose from. The goal for the pavement program is to get the streets up to a 75 score. Staff recommends deferring Hoover and Lafayette to future years. Director Kowar reviewed some of the concrete options and what their costs are.

#### **Public Comments**

Jay Keany, 1488 Wilson Place, encouraged Council not to do anything in downtown that would eliminate parking which is much needed. He added that Council should fully vet the projects in the Transportation Master Plan before approving them.

Mayor Pro Tem Maloney noted there is about \$10M in the fund balance above the required reserves; can some of that be used for this. City Manager Balser stated some of that could be used if Council so decides.

Mayor Pro Tem Maloney supports finding the \$2M and to not cut out anything.

Mayor Stolzmann stated she supports the paving, but thinks the plan to widen some sections of sidewalk to eight feet could be removed.

Councilmember Brown agreed with Mayor Pro Tem Maloney that we should find the money for the entire project.

Councilmember Dickinson agreed with Mayor Stolzmann that sidewalk widening could be removed.

Councilmember Lipton stated he is concerned to dip into reserves for this without more contexts and forecasting.

Mayor Stolzmann moved to approve the contract with removing the widening of the sidewalks on Pine Street and leaving the rest of the proposal intact. Councilmember Brown seconded the motion.

Voice vote: all in favor.

**RESOLUTION NO. 20, SERIES 2020 – A RESOLUTION SETTING CERTAIN WATER, WASTEWATER, STORMWATER AND OTHER FEES, RATES, AND CHARGES FOR THE CITY OF LOUISVILLE, COLORADO**

Director Kowar reviewed the proposed rate increases: no rate increase of water; 3.5% increase for wastewater; and 14% increase in stormwater for an overall increase of 2.3%.

Councilmember Lipton noted what is being proposed is consistent with the policy to smooth out increases over time.

Mayor Stolzmann noted that if this is approved tonight information will go to residents so they understand what to expect this summer. While the average increase is small over the course of the year, most of it hits in the high usage summer months.

Councilmember Lipton moved to approve Res. 20; Councilmember Leh second.

**Vote:** Motion carried by unanimous roll call vote.

**EXECUTIVE SESSION**

**REAL PROPERTY ACQUISITIONS AND DISPOSITIONS**

(Louisville Charter, Section 5-2(c) – Authorized Topics – Consideration of real property acquisitions and dispositions, only as to appraisals and other value estimates and strategy, and C.R.S. 24-6-402(4)(a))

Continued to March 31.

**CITY ATTORNEY'S REPORT**

None.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE  
AGENDA ITEMS**

ECONOMIC VITALITY COMMITTEE – There will be a March 10 DBA breakfast.

FINANCE COMMITTEE

LEGAL REVIEW COMMITTEE – The Committee is interviewing candidates for judge on March 9.

UTILITY COMMITTEE

COLORADO COMMUNITIES FOR CLIMATE ACTION

COMMUTING SOLUTIONS

CONSORTIUM OF CITIES

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE

DENVER REGIONAL COUNCIL OF GOVERNMENTS

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE)

MAYORS & COMMISSIONERS COALITION

METRO MAYORS CAUCUS

REVITALIZATION COMMISSION

XCEL ENERGY FUTURES

ADVANCED AGENDA

**ADJOURN**

Members adjourned at 11:26 pm.

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Ashley Stolzmann, Mayor

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Meredyth Muth, City Clerk